

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 05-34
Table of Allotments,)	RM-10761
FM Broadcast Stations.)	
(Mt. Enterprise, Texas and)	
Hodge, Louisiana))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: November 23, 2005

Released: November 25, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it the *Notice of Proposed Rule Making*¹ issued at the request of Charles Crawford ("Petitioner") proposing the allotment of Channel 231A at Mt. Enterprise, as its first local service. Petitioner filed comments. E-String Wireless, Ltd. ("E-String Wireless"), permittee of New FM Station, Channel 230A, Lufkin, Texas, filed a counterproposal to which Petitioner filed reply comments.² No other comments or counterproposals were received in this proceeding.

2. **Background.** The *Notice* proposed the allotment of Channel 231A at Mt. Enterprise, Texas, as its first local service.³ Additionally, to accommodate the proposed Mt. Enterprise allotment, the *Notice* proposed a site change for vacant Channel 231C2 at Hodge, Louisiana. Petitioner filed comments reiterating its interest in Channel 231A at Mt. Enterprise.

3. **Comment Summary.** Prior to the comment deadline in this proceeding, E-String Wireless filed an application for New FM Station, Channel 230A, Lufkin, Texas, proposing to change the station's transmitter site to optimize coverage in the Lufkin-Nacogdoches, Texas Urbanized Area.⁴ This application conflicts with the proposed allotment of Channel 231A at Mt. Enterprise. To resolve the existing conflict, E-String Wireless filed a counterproposal requesting to change the reference coordinates for the proposed Channel 231A at Mt. Enterprise.

4. Petitioner filed reply comments supporting the E-String Wireless counterproposal because the Lufkin application would improve coverage to the Lufkin-Nacogdoches, Texas Urbanized Area without depriving the community of Mt. Enterprise with its first local service.

5. **Discussion.** A staff engineering analysis determined that E-String Wireless' revised reference coordinates for Channel 231A at Mt. Enterprise is short-spaced to a modification of Station

¹ *Mt. Enterprise, Texas and Hodge, Louisiana*, 20 FCC Rcd 2211 (MB 2005) ("Notice").

² See File No. BNP-20050103AHW.

³ As stated in the *Notice*, Mt. Enterprise is an incorporated community with a population of 525 people. Mt. Enterprise has its own local government, post office, volunteer fire department, school system, numerous churches and businesses that serve the residents of the community.

⁴ See File No. BMP-20050329AAA.

KQXY-FM, Beaumont, Texas.⁵ However, the application was filed under Section 73.215 of the Commission's rules to protect the proposed Channel 231A allotment at Mt. Enterprise. Although the new allotment site proposed by E-String Wireless is at a different location than the original proposal, it is at sufficient distance to Station KQXY-FM's application to not create a new short-spacing.⁶

6. Based on the foregoing, we will grant E-String Wireless' counterproposal by allotting Channel 231A at Mt. Enterprise consistent with the minimum distance separation requirements of the Commission's rules with a site restriction of 12.5 kilometers (7.8 miles) north at coordinates 32-01-48 NL and 94-39-38 WL.⁷ Additionally, we will refer the application for New FM Station, Channel 230A at Lufkin, File No. BMPH-20050329AAA, to the Technical Processing Group located in the Audio Division for processing.

7. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

8. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) and 47 C.F.R. Sections 0.61, 0.204(b) and 0.283, IT IS ORDERED, That effective January 9, 2006, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Communities</u>	<u>Channel No.</u>
Mt. Enterprise, Texas	231A

9. The window period for filing applications for Channel 231A at Mt. Enterprise will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

10. IT IS FURTHER ORDERED, That the Petition for Rule Making filed by Petitioner, IS ADOPTED, as modified by the counterproposal of E-String Wireless.

11. IT IS FURTHER ORDERED, That the aforementioned proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Rolanda F. Smith, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁵ See File No. BPH-20031119AAE.

⁶ The current spacing between the KQXY-FM application and the allotment site is 193.9 kilometers, while the original spacing to the application was 190.5 kilometers. At both locations, the Station KQXY-FM application provides requisite protection under 73.215.

⁷ At these specified coordinates, Channel 231A at Mt. Enterprise can be allotted without changing the reference coordinates of vacant Channel 231C2 at Hodge, Louisiana.